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**IN THE
COURT OF APPEALS OF INDIANA**

CHARLES L. ECHOLS,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 20A03-0610-CR-486

APPEAL FROM THE ELKHART SUPERIOR COURT
The Honorable Evan S. Roberts, Judge
Cause No. 20D01-0601-FB-6

July 6, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Case Summary

Charles Echols appeals his conviction for class B felony attempted arson. We affirm.

Issue

We restate the issue as whether the State presented sufficient evidence to convict Echols of class B felony attempted arson.

Facts and Procedural History

The facts most favorable to the jury's verdict indicate that on September 21, 2005, Echols came to the apartment of Contina Bloch in Elkhart, Indiana. Bloch and her uncle Ronald Woodard were at home. Bloch cooked breakfast for everyone, and then Echols asked Bloch for gas money. Bloch told Echols no, which resulted in an argument. Echols became very angry and began to pull Bloch's hair and tear up items in the house. Echols grabbed a metal base from a fan and started swinging it at Bloch; Bloch grabbed a kitchen knife in self-defense. Woodard intervened, and Echols left the apartment while making threats to kill Bloch.

Echols put some gas in a gas can and returned to the apartment. Echols poured gasoline all over Bloch and her apartment. Echols then attempted to light a lighter, but it did not ignite. Woodard knocked the lighter away from Echols. Echols then went outside and poured gasoline over Bloch's car and stuck a gasoline-soaked rag in the gas tank. Echols tried to cause a spark by rubbing two rocks together, but he was unable to do so. Bloch told Echols that she called the police, and he left her apartment. Shortly thereafter, the police arrested Echols for attempted arson. Prior to any questioning or receiving information from the officer, Echols stated, "I didn't throw any gas on her." Tr. at 87.

The State charged Echols with class B felony attempted arson. On July 11, 2006, a jury found Echols guilty as charged. Echols now appeals.

Discussion and Decision

Class B felony arson is committed when a person by means of fire knowingly or intentionally damages property of any person under circumstances that endanger human life.

Ind. Code § 35-43-1-1. A person attempts to commit a crime when he engages in conduct that constitutes a substantial step toward commission of the crime. Ind. Code § 35-41-5-1.

Echols asserts that the State failed to prove beyond a reasonable doubt that he engaged in behavior that constituted a substantial step toward the commission of arson. “Upon a challenge to the sufficiency of evidence to support a conviction, a reviewing court does not reweigh the evidence or judge the credibility of the witnesses, and respects the jury’s exclusive province to weigh conflicting evidence.” *Collier v. State*, 846 N.E.2d 340, 344 (Ind. Ct. App. 2006), *trans. denied*. A “substantial step” for purposes of the attempt statute is any overt act beyond mere preparation and in furtherance of intent to commit an offense. *Id.*

Echols admits to pouring gasoline over Bloch and her property. Bloch and Woodard testified that Echols’s attempt to commit arson failed only because he could not ignite the lighter or create a spark with the rocks. Echols does not dispute that Woodard’s and Bloch’s testimony describes an attempt to commit arson as defined by the Indiana Code. However, Echols challenges their credibility, claiming that their testimony regarding the lighter is not corroborated by any physical evidence or the testimony of the investigating police officers. The uncorroborated testimony of a single witness is sufficient to sustain a conviction on appeal. *Seketa v. State*, 817 N.E.2d 696 (Ind. Ct. App. 2004). Echols’s argument is merely a

request to reweigh evidence and judge witness credibility, which we may not do. Therefore, we affirm Echols's conviction.

Affirmed.

BAKER, C. J., and FRIEDLANDER, J., concur.